

## JONES DAY

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September 21, 2022

### VIA ELECTRONIC CASE FILING

Hon. Lorna G. Schofield  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007-1312

Re: *loanDepot.com, LLC v. CrossCountry Mortgage, LLC, et al.*,  
No. 1:22-cv-05971-LGS (S.D.N.Y.)

Dear Judge Schofield:

Defendant CrossCountry Mortgage, LLC (“CrossCountry”) submits this letter to follow up on the pre-motion conference held by the Court on September 7, 2022, and to request that the Court prescribe a deadline of Monday, October 3, 2022 for CrossCountry to file an answer to the Complaint in this action.

CrossCountry’s original deadline to file a responsive pleading was September 23, 2022. (See ECF No. 49.) On August 30, 2022, pursuant to Rule III.C.2 of the Court’s Individual Rules and Procedures for Civil Cases, CrossCountry filed a pre-motion letter stating its intention to file a motion to dismiss all claims against CrossCountry, under Fed. R. Civ. P. 12(b)(6). (ECF No. 75.) In accordance with Rule III.C.2, CrossCountry’s “transmittal of [its] pre-motion letter for a proposed motion under Rule 12(b), Fed. R. Civ. P., stays the time to answer or move until further order of the Court.” Following CrossCountry’s pre-motion letter and loanDepot’s response, the Court scheduled a pre-motion conference on September 7. (ECF No. 79.) At the conferenced, the Court asked CrossCountry to consider refraining from filing its motion to dismiss, and otherwise deferred setting a briefing schedule or other deadlines regarding CrossCountry’s motion to dismiss or other responsive pleading.

CrossCountry has considered the Court’s guidance during the September 7 pre-motion conference, and has decided not to file a motion to dismiss. Instead, CrossCountry intends to file an answer, and respectfully asks the Court to prescribe a deadline of October 3, 2022 for CrossCountry’s responsive pleading.

We appreciate the Court’s attention to this matter.

Respectfully submitted,

/s/ Michael A. Platt

Michael A. Platt

cc: All counsel of record (by ECF)